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S E C R E T SECTION 01 OF 02 DAMASCUS 000757

SIPDIS

PARIS FOR WALKER; LONDON FOR TSOU

E.O. 12958: DECL: 10/29/2018  
TAGS: [PGOV](#) [PHUM](#) [PREL](#) [SY](#) [KDEM](#)  
SUBJECT: PYRRHIC VICTORY: DAMASCUS DECLARATION MEMBERS  
RECEIVE TWO AND A HALF YEAR JAIL SENTENCE

REF: A. 07 DAMASCUS 1170  
[1](#)B. DAMASCUS 00061  
[1](#)C. DAMASCUS 00066  
[1](#)D. DAMASCUS 00176  
[1](#)E. DAMASCUS 00224

Classified By: CDA Maura Connelly for reasons 1.4 paragraphs b and d.

[1](#)1. (SBU) This is an Action Request. Please see paragraphs 9-10.

[1](#)2. (C) Summary: Syrian human rights activists and the international community representatives crowded the October 29 sentencing hearing for 12 members of the Damascus Declaration National Council (DDNC). The First Criminal Court of Damascus sentenced each defendant to two and a half years in prison, including time served. Post includes an action request for a Department statement. End Summary.

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SENTENCING  
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[1](#)3. (SBU) On October 29, the First Criminal Court of Damascus, Judge Muhiyidin Hallak presiding, sentenced all 12 National Council detainees to two and a half years in prison on two charges: "demeaning national sentiment and state dignity," and "spreading false news." (Note: Time already served will be counted. Some detainees have been in custody since December 10, 2007) The 12 are Mohammed Yasser al-Eitti, Akram al-Bunni, Jaber al-Shoufi, Ahmad Toma, Fidaa al-Hourani, Ali Abdullah, Walid al-Bunni, Fayiz Sara, Mohammad Hajj Darwish, Marwan al-Esh, Talal Abu Dan, and Riad Seif (reftel A, B, C, & D).

[1](#)4. (SBU) All the defendants were present in the courtroom except Fidaa al-Hourani, who was kept in a separate room. All appeared in good health. From the holding cage, most were able to freely talk with their lawyers, family, and friends. Following the judge's announcement of the sentence, the packed room rose to its feet in thunderous applause as the defendants raised their arms and cried out "Long live Syria; long live our home land." Courtroom guards did not interfere with the audience or the prisoners as they called out to one another and clasped hands. Aref Dalila, a former prisoner of conscience who was only recently released, attended the hearing, much to the expressed surprise and delight of many in the audience.

[1](#)5. (SBU) Originally, the 12 faced a range of felony and misdemeanor charges, the worst of which included "undermining national unity" and "forming a secret organization that aims to change the state structure" (reftel C & F). The court, however, reduced the original felony charges to misdemeanors.

It then sentenced everyone to three years, but immediately commuted the sentence to 30 months. In accordance with Syrian law, detainees who serve three quarters of their sentence with good behavior are eligible for a suspension the remaining time, meaning some could be released as early as a year from now.

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Diplomatic and Human Rights Activists' Reactions  
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¶6. (C) Diplomatic representation at the hearing included the Canadian Ambassador, the Deputy Heads of Mission from the British and Danish Embassies, and officers from the Norwegian, Swedish, Finnish, Austrian, French, and German Embassies. Following the hearing, diplomats from E.U. member states met and agreed that the French would draft a statement and then send it to other E.U. members for contributions and approval. One senior E.U. diplomat told poloff that barring serious disagreement, she expected the draft to be sent to Brussels late afternoon or tonight (local time).

¶7. (C) The consensus among activists and other diplomats following the trial was that the sentence was a small victory for the detainees. Some had feared the final hearing might be postponed or that the court would deal out sentences of five or more years. The British DCM, however, told poloff that he had heard the sentences might have been even lighter "were it not for the alleged U.S. raid on Abu Kamal." Along this line, family members of the detainees reportedly expected lighter sentences as well in view of recent SARG rapprochement with European nations.

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¶8. (S) Comment: One non-E.U. diplomat suggested that even though E.U. representatives in Syria might "warmly argue" for the issuance of a statement, Brussels might prove less willing to do so. Post believes any foot-dragging may be attributed to the new openness between European leaders and the Asad regime. On another note, Post expects human rights activists inside and outside Syria to condemn the verdict; nevertheless, we believe they are mostly overwhelmed with relief over the leniency of the sentences. End Comment.

¶9. (S) Action Request: Post requests that the Department make a parallel but separate statement. Given the SARG's current attitude toward the U.S., we deem it more prudent to align any official statements with those of our allies, and thereby gain a little cover for human rights activists who have been harassed by Syrian intelligence for their relationships with U.S. diplomats. If no such statement is forthcoming from the E.U., Post recommends the Department make a statement on its own. As we have reported in the past, human rights leaders in Syria have expressed appreciation for the U.S. government's public statements in support of internal opposition groups and human rights activists.

¶10. (C) Proposed talking points.

If the E.U. issues a statement, we recommend the following: "The United States fully supports the European Union's condemnation of the sentencing of 12 members of the Damascus Declaration to two and a half years in prison on October 29" followed by the points below as relevant. Should the E.U. decline to issue a statement, we could issue our own statement based on the points below.

--On October 29, the Syrian Criminal Court sentenced 12 members of the Damascus Declaration National Council to two and a half years in prison. The United States Government believes this judgment is inconsistent with the democratic values outlined in the Syrian Constitution.

--The United States urges the Syrian government to release immediately the 12 DDNC members, as well as all other

political prisoners. Such an action would be consistent with Syria's obligations to respect international human rights standards.

--Neither the trials nor the sentencing hearing met basic international standards for the administration of justice. The 12 individuals had limited pre-trial access to lawyers, suffered brutal interrogations, and faced charges that grossly misrepresent their political activism as criminal behavior.

--Calling for democratic reform should never be construed as an attempt to weaken the state. On the contrary, a national dialogue that includes healthy debate about reform goes to the very heart of a democracy and shores up the foundations of a state by engaging a broad spectrum of the population in the nation's civic life.

--According to Article 38 of the Syrian Constitution, "every citizen has the right to freely and openly express his views in words, in writing, and through all other means of expression.<sup>8</sup>

--We further urge the Syrian government to cease its intimidation, detention, and abduction of civil society and human rights activists and to respect human rights.  
CONNELLY